

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Jerding, *et al.*

Serial No.: 09/692,995

Filed: October 20, 2000

For: **Media-On-Demand Bookmark System**

Confirmation No.: 8091

Group Art Unit: 2623

Examiner: Idowu, Olugbenga O.

Docket No. A-6687 (191910-1570)

**SUBMISSION TO ACCOMPANY A REQUEST FOR CONTINUED EXAMINATION (RCE)**

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The final Office Action dated September 8, 2006 and the Decision of the Board having a notification date of August 20, 2008 has been carefully considered. Reconsideration and allowance of the application and presently pending claims 123-158 are respectfully requested.

**AUTHORIZATION TO DEBIT ACCOUNT**

It is believed that no extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

**AMENDMENT TO THE CLAIMS**

Please amend the present application as follows:

**In the Claims**

The following is a copy of Applicants' claims as newly presented, with claims that have been canceled through this response or prior to this response shown with a status identifier of "Canceled" and claims newly added designated with a status identifier of "New."

1-122. (Canceled)

123. (New) A method, comprising:

receiving via a tuner in a set-top terminal (STT) a video stream comprising a video-on-demand (VOD) presentation, the video stream received over a bi-directional communication network from a server of a cable television;

outputting by the STT a first portion of the VOD presentation as a television signal;

receiving at the STT a first user input associated with bookmarking a visual scene of the outputted first portion;

responsive to the first user input, storing in a memory of the STT information corresponding to the bookmarked visual scene without interrupting the VOD presentation;

receiving at the STT a second user input that follows the first user input, the second user input received during the VOD presentation following the first portion;

responsive to receiving the second user input, the STT requesting over a bi-directional communication medium the VOD presentation beginning from the bookmarked visual scene;

receiving at the STT the VOD presentation, the VOD presentation received from the server beginning from the bookmarked visual scene; and

outputting by the STT a second portion of the VOD presentation, beginning from the bookmarked visual scene, as a television signal.

124. (New) The method of claim 123, wherein outputting the first portion corresponds to a time proximal to the beginning of the VOD presentation.
125. (New) The method of claim 124, wherein outputting the second portion corresponds to a time proximal to the end of the VOD presentation.
126. (New) The method of claim 125, wherein outputting the first and second portion comprises outputting during a single VOD session.
127. (New) The method of claim 123, wherein outputting the first and second portions comprises outputting to a display device.
128. (New) The method of claim 123, wherein responsive to storing the information in the memory, providing by the STT feedback to a user that the bookmarking of the visual scene has occurred.
129. (New) The method of claim 128, wherein providing the feedback comprises providing the feedback without interrupting the VOD presentation.
130. (New) The method of claim 128, wherein providing the feedback comprises overlaying a minority portion of a television screen being used to display the VOD presentation.
131. (New) The method of claim 128, wherein providing the feedback comprises providing a banner or an icon.

132. (New) The method of claim 123, wherein the information includes a default bookmark name that is user-configurable.

133. (New) The method of claim 123, wherein the information includes a representative image of the visual scene.

134. (New) The method of claim 123, wherein the information includes a thumbnail of the visual scene.

135. (New) The method of claim 123, wherein the information includes a representative image of the visual scene and a thumbnail of the visual scene.

136. (New) The method of claim 123, wherein the information includes a start time of the visual scene in relation to the beginning of the VOD presentation.

137. (New) The method of claim 123, wherein the information includes a start time of the visual scene in relation to an accessible starting point of the VOD presentation.

138. (New) The method of claim 137, wherein the accessible starting point comprises a chapter.

139. (New) The method of claim 137, wherein the accessible starting point comprises a duration of the visual scene.

140. (New) The method of claim 137, wherein the accessible starting point comprises a time and date that a user created the bookmark.

141. (New) The method of claim 137, wherein the accessible starting point comprises an identification of a user that created the bookmark.

142. (New) The method of claim 123, further comprising receiving a plurality of user inputs configured to assign a plurality of respective character sequences corresponding to a plurality of respective visual scenes that were bookmarked responsive to a plurality of respective user inputs.

143. (New) The method of claim 123, further comprising receiving a third user input corresponding to a request for one or more of the information corresponding to the bookmarked visual scene, and providing the requested information responsive to receiving the third user input.

144. (New) The method of claim 123, wherein after expiration of a rental access period corresponding to the video presentation, prompting a user to provide input indicating whether the information is to be deleted from the memory of the STT.

145. (New) The method of claim 123, wherein after expiration of a rental access period corresponding to the video presentation, automatically discarding the information.

146. (New) The method of claim 123, wherein the second user input requesting the visual scene corresponds to a thumbnail image corresponding to the visual scene, the thumbnail image being simultaneously provided with a plurality of thumbnail images corresponding to a plurality of visual scenes in the video presentation.

147. (New) The method of claim 123, further comprising providing by the STT an indication whether there are user-created bookmarks.

148. (New) A system, comprising:

a set-top terminal (STT), comprising:

a tuner configured to receive a video stream comprising a video-on-demand (VOD) presentation, the video stream received over a bi-directional communication network from a server of a cable television;

a memory; and

a processor configured to:

output of a first portion of the VOD presentation as a television signal;

receive at the STT a first user input associated with bookmarking a visual scene of the outputted first portion;

responsive to the first user input, storing in the memory information corresponding to the bookmarked visual scene without interrupting the VOD presentation;

receive a second user input that follows the first user input, the second user input received during the VOD presentation following the first portion;

responsive to receiving the second user input, request over a bi-directional communication medium the VOD presentation beginning from the bookmarked visual scene;

receive the VOD presentation, the VOD presentation received from the server beginning from the bookmarked visual scene; and

outputting a second portion of the VOD presentation, beginning from the bookmarked visual scene, as a television signal.

149. (New) The system of claim 148, wherein the memory is configured to store the information as a bookmark, the bookmark comprising one or more bookmark attributes configured as a database record.

150. (New) The system of claim 149, wherein the bookmark attributes comprise a default bookmark name that is user-configurable.

151. (New) The system of claim 150, wherein the bookmark attributes comprise a representative image of the visual scene.

152. (New) The system of claim 151, wherein the bookmark attributes comprise a thumbnail of the visual scene.

153. (New) The system of claim 149, wherein the bookmark attributes comprise a start time of the visual scene in relation to the beginning of the VOD presentation.

154. (New) The system of claim 149, wherein the bookmark attributes comprise a start time of the visual scene in relation to an accessible starting point of the VOD presentation.

155. (New) The system of claim 154, wherein the accessible starting point comprises a chapter, a duration of the visual scene, a time and date that a user created the bookmark, or an identification of a user that created the bookmark.

156. (New) The system of claim 148, further comprising the server, the server comprising a QPSK modem and a QAM modem, the QPSK modem coupled to the STT over the bi-directional communication medium, the QAM modem coupled to the STT over the bi-directional communication network.

157. (New) The system of claim 148, further comprising a remote control device that communicates a user's commands to the STT.

158. (New) The system of claim 148, wherein the remote control device comprises a designated bookmarking button.



### **REMARKS**

This is a full and timely response to the final Office Action dated September 8, 2006 and the Decision of the Board (dated August 18, 2008, with a notification date of August 20, 2008), which affirmed the rejection of the previously pending claims. Through this response, claims 80, 82-83, 85, 86, and 90-101 have been canceled without prejudice, waiver, or disclaimer, and claims 123-158 have been added. Reconsideration and allowance of the application and presently pending claims 123-158 are respectfully requested.

#### **I. Claim of Priority**

Applicants are not addressing the validity of all assertions made in the Office Action regarding the priority of this Application. Therefore, Applicants should be not presumed to agree with any statements made in the Office Action regarding the priority of the Application unless otherwise specifically indicated by Applicants.

#### **II. Response to Claim Rejections Under 35 U.S.C. § 103**

##### **A. Statement of the Rejection**

Claims 80, 82, 83, 85, 86, 90-92, 96-100 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *White* ("*White*," U.S. Patent No. 6,628,302 B2) in view of *Lewis et al.* ("*Lewis*," WO 00/04726 A2). Claims 93-95 and 101 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *White* in view of *Lewis*, and in further view of *Wang* ("*Wang*," U.S. Patent No. 6,501,902 B1). Applicants respectfully submit that the rejections have been rendered moot, and hence traverse these rejections.

## B. Discussion of the Rejection

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record. For instance, as set forth in claim 123 (and incorporated into respective dependent claims 124-147), Applicants respectfully submit that *White* in view of *Lewis* and *Wang* does not disclose, teach, or suggest at least one or more of “responsive to the first user input, storing in a memory of the STT information corresponding to the bookmarked visual scene without interrupting the VOD presentation; receiving at the STT a second user input that follows the first user input, the second user input received during the VOD presentation following the first portion; responsive to receiving the second user input, ***the STT requesting over a bi-directional communication medium the VOD presentation beginning from the bookmarked visual scene***; receiving at the STT the VOD presentation, the VOD presentation received from the server beginning from the bookmarked visual scene.” Further, with regard to claim 148 (and the same features incorporated in dependent claims 149-158), Applicants respectfully submit that *White* in view of *Lewis* and *Wang* does not disclose, teach, or suggest “a set-top terminal (STT) comprising” at least one or more of “responsive to the first user input, storing in the memory information corresponding to the bookmarked visual scene without interrupting the VOD presentation; receive a second user input that follows the first user input, the second user input received during the VOD presentation following the first portion; responsive to receiving the second user input, ***request over a bi-directional communication medium the VOD presentation beginning from the bookmarked visual scene***.” For at least these reasons, Applicants respectfully submit that claims 123-158 are allowable over *White* in view of *Lewis* and *Wang*, and accordingly, respectfully submit that these new claims describe embodiments of an invention novel and unobvious in view of the cited art of record and, therefore, respectfully request that these claims be held to be allowable.

In addition, the Board had commented about the alleged absence of evidence to support

the complexities of providing VOD over a network, among other allegations allegedly necessitating proof. Applicants respectfully believe that the notice that further evidence is required had been presented at a time that did not allow Applicants sufficient time or notice to prepare such evidence. Accordingly, should a rejection be levied for similar reasons presented during the appeal process, Applicants intend to submit such evidence using a 132 declaration.

**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims 123-158 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/dr/

David Rodack  
Registration No. 47,034

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1500  
600 Galleria Parkway  
Atlanta, Georgia 30339  
(770) 933-9500